

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

KELLY P. CASSIDY,

Plaintiff,

No. 2:09-CV-1015-SU

v.

GRANT COUNTY SHERIFF'S
DEPARTMENT,

ORDER

Defendant.

HERNANDEZ, District Judge:

Magistrate Judge Sullivan issued a Findings and Recommendation (#60) on May 27, 2011, in which she recommends the Court grant defendant Grant County Sheriff's Department's summary judgment motion as to the claim under 42 U.S.C. § 1983, deny the motion as to the common law claims for false imprisonment and malicious prosecution, decline to exercise supplemental jurisdiction over those common law claims, and remand those claims to state court.

Plaintiff timely filed objections to the Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered plaintiff's objections and conclude that the objections do not provide a basis to modify the Findings and Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Sullivan's Findings and Recommendation [#60] and, therefore, defendant Grant County Sheriff's Department's motion for summary judgment [#29] is granted as to the 42 U.S.C. § 1983 claim, and is denied as to the common law claims for false imprisonment and malicious prosecution. Pursuant to 28 U.S.C. § 1367(c)(3), the Court declines to exercise supplemental jurisdiction over the common law false imprisonment and malicious prosecution claims. Those claims are remanded to state court.

IT IS SO ORDERED.

DATED this 5th day of July, 2011.

/s/ Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge